

Message Text

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P R 142304Z FEB 75
FM SECSTATE WASHDC
TO AMEMBASSY BRASILIA PRIORITY
INFO AMCONSUL BELEM

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E.O. 11652: N/A

TAGS: EFIS, BR

SUBJECT: AVOIDING DELAY IN SHRIMP FISHING
OPPORTUNITY FOR U.S. VESSELS

1. U.S. EXPEDITING PREPARATIONS FOR SIGNING OF NEW U.S.-
BRAZIL SHRIMP AGREEMENT, BUT DOUBTFUL SIGNATURE CAN BE
ACCOMPLISHED PRIOR MARCH 1 WHEN U.S. SHRIMP FISHING SCHED-
ULED BEGIN UNDER AGREEMENT.

2. ANY LOSS OF FISHING OPPORTUNITIES IN MARCH WHEN CATCH
RATES ARE FAVORABLE WILL CREATE SPECIAL PROBLEMS FOR U.S.
FISHERMEN. FURTHERMORE, HIGH NATURAL MORTALITY OF SHRIMP
MAKES IT DOUBTFUL LOST OPPORTUNITIES CAN BE MADE UP LATTER
IN SEASON.

3. EMBASSY REQUESTED TO REVIEW SITUATION WITH SERGIO
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BATH, MINISTRY OF EXTERNAL RELATIONS, AND OTHER APPROPRI-

ATE BRAZILIAN OFFICIALS, IN EFFORT TO REACH UNDERSTANDING THAT WILL ALLOW U.S. VESSELS TO BEGIN FISHING MARCH 1 IN AREA OF AGREEMENT TO AVOID DEFEATING THE INTENT OF THE AGREEMENT WHILE GOVERNMENTS EXPEDITE PROCEDURAL WORK FOR SIGNING OF AGREEMENT. SIMPLEST ARRANGEMENT WOULD BE INFORMAL UNDERSTANDING, BUT SEPARATE EXCHANGE OF NOTES ON THIS PARTICULAR POINT COULD BE ARRANGED PRIOR TO MARCH

IF DESIRED BY BRASILIANS.

4. UNITED STATES OBVIOUSLY NOT IN A POSITION TO PUBLICIZE DETAILS OF NEW AGREEMENT UNTIL AFTER SIGNING, AND SUCH PUBLICITY NECESSARY FOR UNITED STATES TO COMPILE FULL LIST OF VESSELS THAT WILL FISH DURING THE FIRST QUARTER OF THE AGREEMENT. HOWEVER, UNITED STATES CONFIDENT THE NUMBERS OF ANY U.S. VESSELS THAT COMMENCE FISHING MARCH 1 PRIOR TO SIGNING WILL NOT EXCEED THE LIMITS OF 200 PER QUARTER AND 160 AT ANY ONE TIME SPECIFIED FOR 1975 IN THE NEW AGREEMENT. FURTHERMORE THE UNITED STATES WOULD PROPOSE THAT OPPORTUNITIES TO BEGIN FISHING PRIOR TO SIGNING BE PROVIDED ONLY FOR THOSE VESSELS PREVIOUSLY ISSUED NUMBERS UNDER FORMER AGREEMENT SO THAT BRAZILIAN AUTHORITIES WOULD HAVE COMPLETE DATA ON ALL U.S. VESSELS INVOLVED. IF DESIRED BY GOB, U.S. CAN PROVIDE AN INFORMAL LIST PRIOR TO MARCH 1 OF VESSELS EXPECTED TO FISH IN THE AREA, BUT THIS WOULD NOT BE DEFINITIVE LIST REQUIRED BY AGREEMENT. IN ADDITION, AS SOON AS AGREEMENT IS SIGNED, U.S. WILL MOVE IMMEDIATELY TO PROVIDE BRAZIL PRECISE LIST OF U.S. VESSELS THAT WILL BE FISHING DURING THE FIRST QUARTER (MARCH-MAY) UNDER THE AGREEMENT.

5. IF GOB RESISTS SUCH ARRANGEMENTS, EMBASSY MIGHT NOTE THE LACK OF U.S. LEGISLATIVE AUTHORITY TO CONTROL ITS VESSELS AFTER THE EXPIRATION OF EXISTING TREATY FEB. 28, 1975, AND THE SERIOUS CONCERN OF U.S. GOVERNMENT OVER THE ADVERSE EFFECTS OF A SHRIMP VESSEL SEIZURE ON SECURING SENATE RATIFICATION OF THE NEW AGREEMENT, AS WELL AS ON RELATIONS BETWEEN THE TWO COUNTRIES.

6. EMBASSY CAN NOTE THAT EVEN AFTER A SIGNING OF THE LIMITED OFFICIAL USE

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AGREEMENT, VOLUNTARY COMPLIANCE ARRANGEMENT AS IN 1972 WILL BE NECESSARY FOR A PERIOD TO ACHIEVE THE INTENT OF THE AGREEMENT, PENDING ITS FORMAL RATIFICATION AND THE ENACTMENT OF NEW U.S. IMPLEMENTING LEGISLATION. IN ACCORD WITH THIS SPIRIT OF COOPERATION TO ACHIEVE THE INTENT OF THE AGREEMENT, THE UNITED STATES THINKS IT PARTICULARLY IMPORTANT NOT TO PENALIZE FISHERMEN WHILE PROCEDURAL REQUIREMENTS OF SIGNING AND RATIFICATION OF AGREEMENT ARE

COMPLETED.

7. IN PRESENTATION, EMBASSY SHOULD USE CARE NOT TO CONFUSE THE INFORMAL UNDERSTANDING SOUGHT FOR THE SHORT HIATUS BETWEEN MARCH 1 AND SIGNING OF AGREEMENT WITH THE ARRANGEMENTS FOR VOLUNTARY COMPLIANCE THAT WILL BE NEEDED AFTER THE SIGNING OF THE AGREEMENT. THE LATTER WILL NEED TO BE INCORPORATED IN A SPECIFIC EXCHANGE OF NOTES AS WAS DONE WHEN THE ORIGINAL AGREEMENT WAS

SIGNED, AND WILL BE THE SUBJECT OF LATER INSTRUCTIONS TO EMBASSY REGARDING THE SIGNING OF THE AGREEMENT.

8. DUE TO URGENT NEED TO MAKE ARRANGEMENTS FOR INTERIM PERIOD. EMBASSY REQUESTED GIVE THIS PRIORITY ATTENTION AND REPORT BRAZILIAN RESPONSE ASAP. INGERSOLL

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